

16592

Client No.: 007564050920

Re No.: 6013-114US

**OGILVY  
RENAULT****Facsimile****5****Confidentiality Message**

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Number of pages including this cover sheet:

13

Date:

February 11, 2003

**FAX RECEIVED**

FEB 12 2003

From:

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**OFFICIAL**

To	Company	City	Fax
Shailendra Kumar	USPTO	Washington	(703) 308-4556

**Message**

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Continuing the practices of  
Meighen Demers  
Ogilvy Renault  
Swabey Ogilvy Renault

# 15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant: **Poulin et al.**Serial No.: **09/529,319**Filed: **April 11, 2000**Art Unit: **1621**Examiner: **Kumar, S.**For: **POLYAMINE TRANSPORT INHIBITORS**PETITION UNDER MPEP SECTION 711.03(C) TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Assistant Commissioner for Patents  
Washington, DC 20231  
U.S.A.

Applicants request that the Abandonment of the application mentioned by the Examiner in a telephone conversation dated February 6, 2003 be withdrawn under MPEP §711.03(c); Applicants never received the Office Action, approximately dated June 2002. In support of this Petition, Applicants submit a Declaration of Paul Marcoux, the practitioner, stating that the Office Action was not received by his office and attesting to the fact that a search of the Firm's records confirms that the Office Action was not received.

Attached to the Declaration is a copy of the firm's docket card (EXHIBIT B) showing where the non-received Office Action would have been entered, if it had been received and docketed.

Withdrawal of the holding of abandonment and acknowledgement of the active status of this application are respectfully requested. Please also proceed immediately with remailing the Office Action with a new statutory period.

The Examiner is hereby authorized to charge our deposit account No. 19-5113 for the Petition fee of \$130.00 pursuant to 37 C.F.R. §1.17(h).

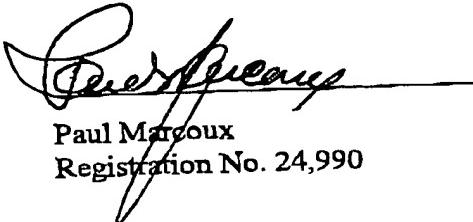
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Assistant Commissioner for Patents 09/529,319

The Commissioner is hereby authorized to charge such fee or any additional fees associated with this Petition to our deposit account No. 19-5113.

Respectfully submitted,

By:

  
Paul Marcoux  
Registration No. 24,990Date: February 11, 2003

OGILVY RENAULT  
1600 - 1981 McGill College Ave.  
Montreal, Quebec  
Canada H3A 2Y3

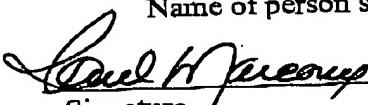
Tel: (418) 640-5988

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Paul Marcoux

Name of person signing certification

  
SignatureFebruary 11, 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Poulin et al.**

Serial No.: **09/529,319** Art Unit: **1621**

Filed: **April 11, 2000** Examiner: **Kumar, S.**

For: **POLYAMINE TRANSPORT INHIBITORS**

DECLARATION OF PAUL MARCOUX, (PRACTITIONER)

Assistant Commissioner for Patents  
Washington, DC 20231  
U.S.A.

Sir:

I, Paul Marcoux, state as follows:

I am a patent agent admitted to practice before the United States Patent and Trademark Office, under Registration No. 24,990, and am also a consultant and retired partner in the patent and trademark agents Firm of OGILVY RENAULT.

I have primary responsibility for handling the above-identified Application. On February 6, 2003, our Firm received a telephone call from Examiner Shailendra Kumar, who indicated that failure to reply to the last Office Action within the statutory period of three months plus three months of extension of time, from the mailing date of the Office Action, led to the abandonment of the application. After discussing the matter with the Examiner in charge of the application, we were informed that it would be possible to file a Petition requesting the status of abandonment withdrawn by the Patent and Trademarks Office.

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Assistant Commissioner for Patents 09/529,319

It can be seen from a letter dated July 17, 2002, signed by Steven L. Highlander, of the former Patent Attorneys in charge of this case, submitted as EXHIBIT A that the prosecution file of the present application was transferred to our firm on July 17, 2002. On October 22, 2002, we filed a Revocation of Previous Powers of Attorney and Appointment of New Attorneys, and a Notice of Acceptance of the Revocation was acknowledged on October 25, 2002 by the USPTO. To verify what took place between the alleged sending of the Official Action and the telephone call received from the Examiner, we checked with Steven L. Highlander of the previous Patent Attorneys in charge of this case and we carefully considered the status of the application in our docket system. No other documents were received from the former Patent Attorneys regarding the present patent Application. On February 10, 2003, we had a telephone conversation with Mr. Steven Highlander from the firm Fulbright & Jaworski (the former Patent Attorneys in charge of this case) during which, Mr. Highlander confirmed that no Office Action was received by them on or after June 2002.

Our Firm, including our docketing department, the Firm's docket records, myself, the patent agent trainee working under my supervision, and the file itself show no record of receiving an Office Action by the U.S. Examiner on or about June 2002.

Specifically, when a document is received by our office from the Patent and Trademark Office, it is segregated from other mail by our mail department. The document is immediately sent to the firm's docketing department before it is sent to anyone, including the agent working on the matter. The firm docketing department enters the statutory period on the Office Action and enters the shortened statutory period and extended statutory period into a computer for generating and publishing dockets either for the firm or for a specific agent. This date is entered a second time by a different person for confirming the deadline. This date is then published on a department's docket until such department provides a copy or express written confirmation that a response has been filed.

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Assistant Commissioner for Patents 09/529,319

A copy of the firm's general docket card pertaining to this application containing all entries (EXHIBIT B) is attached herewith, specifically showing that no Office Action dated approximately June 2002 was ever received concerning the above application. Had it been received, it would have been entered on the docket card. As can be seen on EXHIBIT B, the firm docket generated monthly shows no response being due up to January 2003 for our reference 6013-114US, again supporting the fact that the Office Action was not received.

After the dockets have been entered, the original document given to the mailroom staff is sent from our mailroom to the patent agent. Our operating procedure is to then have a copy of the document made for the client, and if need be, additional copies for the other inventors. The agent then secures the original Office Action into the file.

Upon my search and investigation, I conclude that neither myself, my assistant, the patent agent trainee nor the former Patent Attorney's firm received an Office Action dated about June 2002, concerning the above application.

As is immediately apparent from the above explanations, we have numerous systems in place to ensure that documents having a due date are docketed and responded to in a timely manner. Just prior to all due dates, numerous mechanisms engage to ensure a response and avoid abandonment. Here, any document received would have been immediately entered (separately) by our docketing department or the patent agent trainee. A document having a due date would also have been listed/identified on our numerous separate docketing systems.

A check of all possible locations of such an Office Action, including the file jacket in the file of the above-identified Application, and the many docket systems failed to turn up any such Office Action. In light of the above, our firm has no record of ever

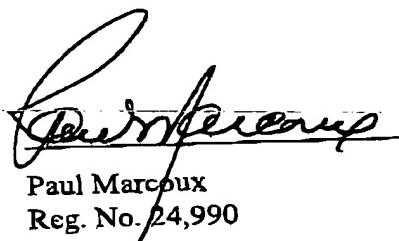
- 4 -

Assistant Commissioner for Patents 09/529,319

receiving the Office Action dated approximately June 2002, prior to receiving the above-mentioned telephone call from the Examiner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful and false statements may jeopardize the validity of the application or any patent issued therefrom.

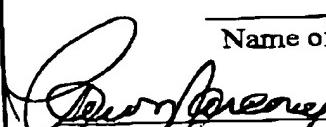
By:

  
Paul Marcoux  
Reg. No. 24,990Dated: February 11, 2003**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Paul Marcoux

Name of person signing certification

  
SignatureFebruary 11, 2003

Date

# EXHIBIT A

**FULBRIGHT & JAWORSKI L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TEXAS 78701-3271  
[WWW.FULBRIGHT.COM](http://WWW.FULBRIGHT.COM)

STEVEN LEE HIGHLANDER  
PARTNER  
[SHIGHLANDER@FULBRIGHT.COM](mailto:SHIGHLANDER@FULBRIGHT.COM)

DIRECT DIAL: (512) 536-3184  
TELEPHONE: (512) 474-5201  
FACSIMILE: (512) 536-4598

July 17, 2002

**VIA FEDERAL EXPRESS**

Mr. Marc Gagne  
Ogilvy Renault  
500 Grande Allee Est  
Quebec (Quebec) G1R 2J7  
CANADA

Re: Transferring of Universite Laval Files  
Client Ref. No. VAL141; Our Ref. No. UNVL:002; Matter No. 10004420

Dear Mr. Gagne:

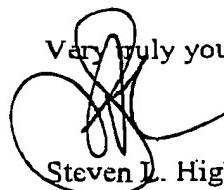
At the request of our client, we enclose herewith the following files for the above-referenced matter:

Box 1  
UNVL:002; UNVL:002CA; UNVL:002E;  
UNVL:002-MX and UNVL: 002P—(Volumes I&II)

Box 2  
UNVL:003 – (Patent Searches File); UNVL:003CA;  
UNVL:003P and UNVL:003EP

We will take no further action from this point forward and you agree to assume all responsibility for further action to be taken with respect to the above-referenced files.

Please acknowledge receipt of the enclosed files by signing in the space provided below and returning a copy of this letter to me at your earliest convenience.

Very truly yours,  
  
Steven L. Highlander

SLH/cpj

25188928.1

AUSTIN • DALLAS • HONG KONG • HOUSTON • LONDON • LOS ANGELES • MINNEAPOLIS • MUNICH • NEW YORK • SAN ANTONIO • WASHINGTON DC

Mr. Marc Gagne  
July 17, 2002  
Page 2

Encl.:

cc: Ms. Danielle Allard  
Mr. Robert Masella  
Leslie S. Marlowe  
Sandy Gill

25188928.1

## **EXHIBIT B**

10/FEB/2003  
11:23:48

**SWABEY OGILVY RENAULT**  
**File Details**

Page 1  
Patent & TM

**File Number:** 6013-114US  
**File Name:**  
**Patent Title:** POLYAMINE  
TRANSPORT  
INHIBITORS  
**Client:** Université Laval 6013  
**Old Number:** Paul Marcoux (510)  
**Agent(s):** clie-002375  
**Reference #:**  
**SPECIAL NOTE:** This case was transferred to us. sv-

## SUMMARY

Filing type: P PATENT  
Case type: A2 DIRECT CLIENT FILING IN THE US  
Country code: US U.S.A.  
Case status: Pending Date:  
Patent #:  
Filing certificate: yes Filing date: 11APR2000  
App. serial #: 09/529319

Patent title: POLYAMINE TRANSPORT INHIBITORS  
Pro in charge: 510 Paul Marcoux

## SUMMARY DETAILS

CPC: no PCT or PCT N.P.: yes Continuation matter:  
Orig Cnsc: no PCT II: - Type of continu:  
Country code: Internal filing date: 21APR1998 Previous app #:  
Earliest priority dt: App serial #: US98/07806 Small entity: no  
App serial #:

## EVENTS

Code	Date	Description	Year	Type	Done	Paid
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## **NAMES**

Assignees		
Name1	Name2	Number
Ilex Oncology, Inc.		ASGN-010862
Université Laval	6013	ASGN-001091

Associates	Name1	Name2	Number
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Applicants/Registrants		
Name1	Name2	Number
Illex Oncology, Inc.		APPL-113249
Yannick Lefebvre	6013	APPL-010873

Inventors		
Name1	Name2	Number
Audette	Marie	INVE-051362

10/FEB/2003  
11:23:48

# SWABEY OGILVY RENAULT

## File Details

Page 2  
Patent & TM

Name1	Name2	Number
Charest-Gaudreault	Rene	INVE-051363
Poulin	Richard	INVE-051361

Opponents		
Name1	Name2	Number

Licensees		
Name1	Name2	Number

## RELATED MATTERS

File number: 6013-114US  
 File name:  
 Case type: PATENT  
 Filing type: DIRECT CLIENT FILING IN THE US  
 Country: U.S.A.  
 Case status: P  
 S/N Application  
 Date Issued: 11APR2000  
 Patent #: 09/529319  
 Agent Paul Marcoux (510)

## DISB. CARD

History				Total	Debtors
Date	Code	Description		Total	Debtors
		Total:		0.00	

Current				Total	Debtors
Date	Code	Description		Total	Debtors